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**BOARD OF COUNTY COMMISSIONERS**  
**YELLOWSTONE COUNTY, MONTANA**  
**THURSDAY, MARCH 29, 2012**

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**SUBJECT:** Zone Change #629, Text Amendment – Application Fees - 27-1704  
**THROUGH:** Candi Beaudry, AICP, Planning Director  
**PRESENTED BY:** Nicole Cromwell, AICP, Zoning Coordinator, Planner II

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**REQUEST**

This is a zone change that will amend Section 27-1704, of the Unified Zoning Regulations for Billings and Yellowstone County to eliminate reference to specific fees for zoning application. Zoning application fees are set by resolution of the City Council and the Board of County Commissioners. The City Zoning Commission initiated this amendment on February 7, 2012, and the County Zoning Commission initiated this amendment on February 13, 2012. The City and County Zoning Regulations are unified and these standards should apply within the zoning area outside the city limits.

The City Zoning Commission conducted a public hearing on March 6, 2012 and recommended approval to the City Council. The City Council will conduct a public hearing on March 26, 2012. The County Zoning Commission conducted a public hearing on March 12, 2012, and is forwarding a recommendation of approval on a 5-0 vote.

**REASONS**

The current code was amended in 2003 to update application fees. Since 2003, it has been determined that fees can and should be set through resolution by the governing bodies rather than through an ordinance amendment.

The proposed amendment would leave the language referring to setting fees but would remove the actual fees from the ordinance. The City Council and Board of County Commissioners update fees on a regular basis usually every 2 years. A proposed update of fees is expected to be brought forward for consideration during the FY2013 Budget process based on the cost to process various zoning applications.

**RECOMMENDATION**

The Zoning Commission voted 5-0 to recommend approval of Zone Change #629.

**ZONING COMMISSION PUBLIC HEARING AND DISCUSSION**

The Zoning Commission conducted a public hearing on this application on March 12, 2012. Planning staff provided testimony on the proposed text amendment. There was no other public testimony.

Chairman Dennis Cook called for questions and discussion by the members of the Commission. There were no questions from the Board. The Zoning Commission moved to recommend approval to the Board of County Commissioners on a 5-0 vote.

**RECOMMENDATION**

The Zoning Commission recommends approval of Zone Change #629 on a 5-0 vote.

**ATTACHMENTS**

Attachment A: Draft Resolution

**Attachment A** – Draft Resolution Zone Change #629

Final Resolution 12-\_\_\_\_\_

A RESOLUTION TO AMEND THE UNIFIED ZONING REGULATIONS  
FOR THE CITY OF BILLINGS AND YELLOWSTONE COUNTY  
JURISDICTIONAL AREA BY REVISING SECTION 27-1704 –  
SCHEDULE OF FEES, CHARGES AND EXPENSES – TO DELETE  
LANGUAGE AND TO ADD LANGUAGE TO CLARIFY THE  
REGULATION AND ADOPT THE REVISION AS AN AMENDMENT  
TO THE ZONING REGULATIONS

WHEREAS, pursuant to Title 76, Chapter 2, Montana Code Annotated, the Board of County Commissioners of Yellowstone County, Montana, held a public hearing and adopted a resolution of intent on the 29<sup>th</sup> day of March, 2012, on the following proposed amendments and additions to the City of Billings – Yellowstone County Unified Zoning Regulations.

**Section 1.** That the Unified Zoning Regulations for the City of Billings and Yellowstone County Jurisdictional Area be amended by revising Section 27-1704 as follows:

**Sec. 27-1704. - Schedule of fees, charges and expenses.**

The city council and board of county commissioners shall establish a schedule of fees, charges and expenses and a collection procedure for appeals and other matters pertaining to this chapter. Said schedule may be amended from time to time by resolution/~~ordinance~~ of the city council ~~and~~ or board of county commissioners. Within this schedule of fees, the city council administrator shall be solely responsible for setting the fee for the Medical Corridor Permit Zoning preliminary and final reviews, as established in BMCC section 27-909(B).

No zone change, special review or variance shall be issued unless or until such costs, charged, fees or expenses ~~listed below~~ have been paid in full nor shall any action be taken on proceedings before the city or county board of adjustment or zoning commission unless or until charges and fees have been paid in full to the planning and community services department.

**SCHEDULE OF APPLICATION FEES**

- (1) ~~Board of Adjustment—Variance:~~
  - a. ~~Residential \$325.00~~
  - b. ~~Commercial 400.00~~
- (2) ~~Zoning Commission:~~
  - a. ~~Zone change~~
    - ~~Residential 650.00~~
    - ~~Commercial 900.00~~
  - b. ~~Special review~~
    - ~~Residential 650.00~~
    - ~~Commercial 900.00~~
- (3) ~~Planned development—Preliminary review and zone change~~  
~~Change to fees in Resolution 98-17350~~
  - ~~Five acres or less 750.00~~
  - ~~Over five acres 1,200.00~~

WHEREAS, the Board of County Commissioner received and considered the recommendations of the City/County Planning staff and the Yellowstone County Zoning Commission on the proposed amendment and additions.

NOW, THERFORE, BE IT RESOLVED that it is the intent of the Board of County Commissioners that the above-described amendment to the Unified Zoning Regulations for the City of Billings and Yellowstone County Jurisdictional Area be adopted.

PASSED AND ADOPTED by the Board of County Commissioners of Yellowstone County, Montana, this 1<sup>st</sup> day of May, 2012.

BOARD OF COUNTY COMMISSIONERS  
YELLOWSTONE COUNTY, MONTANA

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John Ostlund, Chairman

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James E. Reno, Member

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Bill Kennedy, Member

(SEAL)  
ATTEST:

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Jeff Martin  
Clerk and Recorder